

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

Case No.:

**CIVIL COMPLAINT
AND
DEMAND FOR JURY TRIAL**

GC SERVICES,

Defendant

PRELIMINARY STATEMENT

JURISDICTION AND VENUE

PARTIES

1 4. Plaintiff, Debbie Smith, is a natural person, who at all relevant times has resided in the in
2 the city of Memphis, Shelby County, State of Tennessee, and is a “consumer” as defined by 15
3 U.S.C. § 1692a(3).

4 5. Defendant is incorporated and doing business in the State of Texas, with its corporate
5 mailing address as 6330 Gulfton Street, Houston, TX 77081 and is a “debt collector” as defined
6 by 15 U.S.C § 1692a(6).
7

8 **FACTUAL STATEMENT**

9 6. On or around August 12, 2014, Plaintiff received a phone call from one of Defendant’s
10 agents, a “Mr. Kent Wallace.”

11 7. This phone call was placed from telephone number (902) 213-4834, and for all intents
12 and purposes, was an attempt to collect an alleged debt.
13

14 8. During this call “Mr. Wallace” asked Plaintiff how she would like to take care of this
15 alleged debt and offered two separate settlement offers.

16 9. Despite the collection attempts made in this call, the Defendant’s agent failed to disclose
17 the proper FDCPA Mini-Miranda warning.
18

19 **COUNT I**
20 **VIOLATION OF THE FAIR DEBT COLLECTIONS PRACTICES ACT**
21 **15 U.S.C. § 1692e (11)**

22 10. Plaintiff repeats the allegations contained in paragraphs 1 through 10 and incorporates
23 them as if set forth at length herein.

24 11. On or around August 12, 2014, Plaintiff received a phone call from one of Defendant’s
25 agents, who failed to identify the company or the purpose of the phone call.

26 12. The agent failed to state this call was from a debt collector attempting to collect a debt.
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13. Defendant's failure to advise of the fact that the call was from a debt collector violates 15 U.S.C. § 1692e (11).

14. As a direct result of Defendant's actions, Plaintiff has been damaged.

COUNT II
VIOLATION OF THE FAIR DEBT COLLECTIONS PRACTICES ACT
15 U.S.C. § 1692d(6)

15. Plaintiff repeats the allegations set forth in paragraphs 1 through 15 and incorporates same as if set forth at length herein.

16. On or around August 12, 2014, Defendant placed a call to Plaintiff.

17. Defendant's representative failed to state the identity of the company from which he was calling or that the purpose of the call was to collect a debt.

18. The failure to inform Plaintiff of the identity of the company or the purpose of the phone call is in violation of 15 U.S.C. § 1692d(6), which prohibits placing telephone calls without meaningful disclosure of the caller's identity.

19. As a direct result of Defendant's actions, Plaintiff has been damaged.

JURY TRIAL DEMAND

23. Plaintiff demands a trial by jury on all issues so triable.

RELIEF

WHEREFORE, Plaintiff, Debbie Smith, requests that this Court enter judgment against the Defendant and on behalf of Plaintiff for the following:

- a. That an order be entered declaring the Defendant's actions, as described above, in violation of the FDCPA;
- b. That judgment be entered against the Defendant for actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);

- 1 c. That judgment be entered against the Defendant for statutory damages, pursuant to 15
2 U.S.C. § 1692k(a)(2)(A) and (B), in the amount of \$1,000.00;
- 3 d. That the court award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1692k
4 (a)(3);
- 5 e. That the Court grant such other and further relief as may be just and proper.
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- 8

9 Dated February 23, 2015
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11 Respectfully Submitted,
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13 s/ Seth P. Crosland

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